

Raymond Drumgoole (453219)

V.

State's Attorney For

Case No: 116215005

Stephanie Malcolm

120 E. Baltimore St. 9FL

Baltimore MD, 21202

And

Warden of Eastern Correctional Institution

Ricky Foxwell

30420 Revells Neck Rd.

Westover MD, 21890

~~Raymond Drumgoole~~
~~Raymond Drumgoole~~
In The United States
District Court For the
District of Maryland

Case no: 116215005

PX-18-167

FILED ENTERED
LOGGED RECEIVED

JAN 18 2018

AT BALTIMORE
CLERK, U.S. DISTRICT COURT
DISTRICT OF MARYLAND

BY

DEPUTY

Petition For A Writ of Habeas Corpus

Come now the Petitioner Raymond Drumgoole Prose move In Propria Persona, Sui Juris to Request that this Honorable Court Grant this Petition Pursuant to Article (I), Section 9 of the Constitution Provides: The Writ of (Habeas Corpus) Shall not be Suspended Unless Required by Public Safety in Case of rebellion Or invasion, With in the Constitution Of the United States. Also Pursuant to Md. Rule Title 15. Other special proceeding Chapter 300. MD. rule 15-301 Challenging the Legality Of the Confinement Or restraint Of an individual.

The Petitioner states that the issuance of a writ of Habeas Corpus be Directed to (States Attorney. Stephanie Malcolm of Case no: 116215005, And the Warden of E.C.I Ricky Foxwell)

According to the best knowledge, information and belief of the Petitioner, the cause, occasion, or pretense of my confinement is a conviction for case no: 11b215005 on Jan. 10, 2017. Possession of a handgun.

With respect to the above captioned case, this is a supplement petition. To assist the Honorable Court in instant review of the confinement and restraint of the petitioner.

Affidavit In Support By Petition For A Writ
Of Habeas Corpus At Law

Statement of Facts

1. On Jan. 10, 2017 I was convicted of a case no: 11b215005
2. A direct appeal was filed in case no: 11b215005
3. On Nov. 21, 2017 my conviction for case no: 11b215005 was reversed and remanded to Circuit Court of Baltimore. I do not have more convictions or commitment.
4. The 30 day mandate time limitation for the Court of Special Appeal has already been issued. Dec. 18, 2017
5. The 15 day time limitation for either party to file any petition has expired. Neither party filed any further petition. Jan. 3, 2018
6. This 45 day time limitation has expired on the 3rd Jan, 2018
7. As of Jan. 4, 2018 this Warden of E.C.I has me illegally confine and restrain. If there's no charges that has been filed in 72 hours from Jan. 3, 2018 by law I am to be released immediately.

Points Of Law

1. Pursuant to MD-Rule 4-212(F) When a charging document is filed in the circuit court for an offense for which the defendant is already in custody, the defendant remains subject to conditions of pre-trial release MD-Rule 4-216.

Pursuant to 4-212(F)(2) the defendant appearance in the circuit court it shall be no later than the next session of court after service.

No charging document has been filed And I have not been served with any paper work. But if there is charges filed then the remaining rules apply.

2. Pursuant to MD-Rule 4-216(A) If a defendant was arrested without a warrant, the judicial officer shall determine whether there was probable cause for each charge and for the arrest And as to each determination.

I have not been taken in front of any judicial officer or judge to make this determination since the conviction for the above case number has been overturned. This is a direct violation of my 14th Amendment Due Process.

3. Pursuant to MD-Rule 4-216(C) A defendant charged with an offense for which the maximum penalty is death or life imprisonment or with an offense listed under Code, Criminal Procedure Art 5-202(A)-(G) may not be released by a District Court Commissioner, But may be released before verdict or pending a new trial, if a new trial has been ordered.

On Nov. 21, 2017 the Court of Special Appeal reversed the Conviction For Case no: 116215005. On Dec. 18, 2017 the Court of Special Appeal issue a Mandate, remanded it for a new trial.

The offenses that I am charge with is 4-203 wear, carry, And transport a gun, 5-133 being a prohibited person from carrying a gun. The maximum penalty for these charges do not carry life or death And these offenses are not stated in 5-202 (A-G) that would make me prohibited from pre-trial release.

4. Pursuant to MD-Rule 4-216 (C)(1) Consideration of factors, In Determining Whether a defendant should be released And the Conditions of release, the judicial officer shall take into account the following information, to the extent available:

(A) The Nature of the charge is Possession of a gun And it is a misdemeanor. The Circumstance of the offense has change from the statement of probable Cause to the Circumstance of what was disclose in trial. The nature of the evidence lack substantially. The officer stated During trial that he never seen Petitioner With a gun And there was no finger prints on the gun And no D.N.A. Also stated that the gun was found 20 yards away From the area the petitioner was at, And that rust was found on the gun As well.

(B) I Only have two F.T.A's on my record, (1) in 3-12-02 Possession not marijuana And (2) 1-22-03, Possession of marijuana. During the time of these F.T.A's I was 15 and 16 years of age And very unaware of the importance of these things. Since I've turn an Adult, I've never missed a Court appearance, And I will not miss a Court date with all the lack of probable

Cause And lack of evidence, I have no reason not to appear. Also I Have a new born child that I need to be there for, And I am not Guilty.

(C) I lived in Baltimore with grandmother at the same address 2324 Edmondson Ave. For 15 years, I do not have a job, I do not have any financial resources, I am mentally healthy And I lived in the state of Maryland for 31 years.

(F) I Have been incarcerated since July 5, 2016 Until now Jan. 10, 2018. A trial has already happened, so that means that evidence And information that was not available during the original communications with judicial officer is available now, And with a Proper hearing I will be able to show that there is not probable Cause, lack of evidence, And that I will appear for trial on my Own if release.

(H) I am not a danger to anyone because I never had a gun And I am not a danger to myself.

Respectfully I am requesting For this Honorable Court to take Into account me being Incarcerated since July 5, 2016 The Overturning of the Conviction, the lack of evidence, Lack of Probable Cause, My Probation Judge release me on my own Personal Recognizance And I have not had an F.T.A in 15 years. So Respectfully I request to be able to be release on my own Personal recognizance under CP 5-101

If Personal recognizance is not granted the petitioner respectfully request that this Honorable Court grant this petition for review of bail pursuant to Art. 42 of the Annotated Code of Maryland Rules 256 (inclusive) of the Maryland Rule of Procedure, And the United State's Constitution. The Reasons therefore say As follow; According to everything that was stated above, I am asking to be granted a reasonable bail Under the 8th amendment.

If personal recognizance is not granted And a bail is not set or the bail is still excessive, I am respectfully Requesting to be allow And to be release under MD-Rule 4-216 (F) or under CP 5-201 (B) Home Detention.

Now therefore Petitioner respectfully petitions said Court for relief And request the immediate granting by the Writ of Habeas Corpus.

I am requesting a hearing in this matter And I am Requesting to be present at all proceedings pursuant to MD-Rule 4-231

Remedy

Petitioner request this Court to immediately exercise Jurisdiction And demand the immediate discharge of Raymond Drumgoole. For the multiple negligents with in the process And the procedures And with in the Documents And also for the violation of the 14th Amendment. I am requesting Personal recognizance or Reasonable bail Or Home Detention. Swift justice is Necessary to prevent irreparable damage From this Unlawful seizure And continued Custody. Release is the Appropriate Remedy.

Certificate Of Service

I hereby certify that on this 15 day of Jan-
2018, a copy of this foregoing motion was mailed
To: The clerk Of Court (Baltimore City) ~~to the State Attorney~~
~~to the State Attorney~~, to State Attorney. Stephanie
Malcolm, 120 E. Baltimore st 9FL, Baltimore MD, The Clerk
of the Court, 101 W. Lombard st. Balto. MD. 21201

Raymond Duggal

I do solemnly declare And affirm Under the penalties
Of perjury that the contents of this document are true
And correct to the best of my knowledge And information

Raymond Duggal